

Notice of Allowability

Application No.

09/992,092

Examiner

Melody M. Burch

Applicant(s)

BUCKSBEE, JAMES H.

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 1/3/06.
2. ☒ The allowed claim(s) is/are 1,4,6,11,12,15 and 17-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 3/14/02, 8/5/05.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 1/10/06, Edward Murphy requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 12-2143 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- Claims 9 and 10 have been cancelled;
- In line 2 of claim 23 the phrase "contact portion" has been changed to --contact surface-- to provide proper antecedent basis;
- In line 23 from the bottom of claim 26 the phrase --molding bonded-- has been inserted between "a" and "rebound member outer resilient member";
- In line 37 from the bottom of claim 26 the phrase --molding bonded-- has been inserted between "a" and "load bearing member outer resilient member" to be consistent with the language presented in the other two independent claims;

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- In line 9 from the bottom of claim 1 the phrase "in abutment" has been changed to --in direct abutment-- to overcome the device in figure 2 of the DE-4033569 reference in which the contact surfaces are in indirect abutment via element 14;
- In line 11 from the bottom of claim 25 and in line 9 from the bottom of claim 26 the following phrase has been inserted after the word "opening":
--wherein said load bearing member inner rigid member contact surface and said rebound member inner rigid member contact surface are in direct abutment--.

2. The following is an examiner's statement of reasons for allowance: Applicant's invention includes a load bearing member and a rebound member each including a resilient member bonded to an inner rigid member. The load bearing and rebound members are placed inside of a rigid housing such that the outer surface of the resilient members are unbonded with respect to the inner surface of the rigid housing against which the resilient elements are seated. This arrangement enables the load bearing and rebound members to be easily removable to simplify mount component replacement or repair. Examiner agrees that the Schroedter reference teaches the use of a resilient member being connected in an unbonded fashion to both an inner rigid member and the inner surface of a rigid housing. Therefore, Schroedter fails to teach the limitation of a molding bonded resilient member that is bonded to a rigid inner member.

Similarly, newly cited US Patent 6889965 to Loftus et al. teaches in figure 4 the use of a resilient member 57 being connected to a load bearing rigid inner member 32 and then mounted within a rigid housing 45. The reference is silent as to whether element 57 is molding bonded to element 32. Additionally, Loftus et al. teach away from the claimed rebound member arrangement. The rebound member arrangement of Loftus et al. includes a resilient member 54 and a rigid inner member 34. However, instead of the rebound member resilient member being a molding bonded resilient member in which the resilient member is bonded to the inner rigid member as recited by the instant claims, the resilient member 54 of Loftus et al. is bonded to the inner surface of the rigid housing 45.

Figure 2 of DE-4033569 teaches resilient members being bonded to inner rigid members, but fails to read on the claimed invention as amended since the contact surfaces of the inner rigid members are not in direct abutment and it does not satisfy the limitation regarding the inwardly tapered chamber walls. The chamber walls are cylindrical providing space for viscous fluid to circulate between the conically shaped resilient member outer surface and the cylindrical chamber wall to provide additional damping.

Finally, figure 3 of DE-4033569 teaches resilient members being bonded to inner rigid members, but fails to include the conically shaped inwardly tapered surfaces for which Applicant describes criticality in the original specification. The German reference also fails to disclose the outer surface of the resilient members being seated against the inwardly tapered housing chamber walls. Examiner notes that the German reference

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shows a cylindrical resilient member outer surface separated from a cylindrical housing inner surface by a clearance 14. Accordingly, claims 1, 25, and 26 are allowable over the prior art of record. The dependent claims are allowable due to their dependency from the allowable independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 10, 2006

Melody M. Burch
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Primary Examiner
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1/10/06